
From: Hall, Lynda
To: Gilinsky, Ellen
CC: Wall, Tom; Flahive, Katie; Waye, Don
Sent: 5/6/2014 8:01:46 AM
Subject: OR CZARA: Updated NWEA and Whitman TPs litigation sensitive
Attachments: Draft Talking Points for Whitman on CZARA 050514.doc; NWEA TPs for May 7.doc

Hi Ellen,

Here are some tpts NOAA and EPA put together yesterday.

The tpts for the Whitman meeting are the most relevant. The tpts for a separate meeting tomorrow, with NWEA the litigant in the OR CZARA matter, will flesh out the picture for you of where we are in the process.

If you need background on how we got we are with OR, please reply all and Don Waye can send you the briefing we did for Nancy on this last fall.

Lynda

From: Hall, Lynda
Sent: Monday, May 5, 2014 3:00:33 PM
To: Tom Wall
Cc: Gale (bonanno.gale@epa.gov); Don (waye.don@epa.gov)
Subject: OR CZARA: Updated NWEA and Whitman TPs

FYI, NOAA/EPA-developed tpts for 1) meetings with Richard Whitman on Wednesday/Thursday, and 2) meeting with NWEA on Wednesday. We will not make May 15 SA deadline; as a condition of extending the deadline NWEA wants the agencies

Ex. 5 - Deliberative

From: Allison Castellan - NOAA Federal [mailto:allison.castellan@noaa.gov]
Sent: Monday, May 05, 2014 2:47 PM
To: Hall, Lynda
Cc: Psyk, Christine; Carlin, Jayne; Byrne, Jennifer; Croxton, Dave; Waye, Don; Henning, Alan; Wu, Jennifer; Jeff Dillen - NOAA Federal; Sweeney, Stephen
Subject: Updated NWEA and Whitman TPs

All--

Thanks to those that have weighed in on the talking points for NWEA and Whitman. Please see attached for updated versions of both that hopefully address the comments received.

Allison

On Mon, May 5, 2014 at 1:49 PM, Hall, Lynda <Hall.Lynda@epa.gov> wrote:
Thanks Christine and Allison. I think these amended talking points look very good.

Ex. 5 - Deliberative

I agree with offering a new deadline that is more aggressive than Jan. 2015. At the same time I am concerned about offering 120 days, but as long as it is a commitment to "best effort" and not legally binding, we can live with it.

Lynda

From: Allison Castellan - NOAA Federal [mailto:allison.castellan@noaa.gov]

Sent: Friday, May 02, 2014 3:42 PM

To: Psyk, Christine

Cc: Carlin, Jayne; Byrne, Jennifer; Croxton, Dave; Wayne, Don; Hall, Lynda; Henning, Alan; Wu, Jennifer; Jeff Dillen - NOAA Federal; Sweeney, Stephen

Subject: Re: Draft Ideas for Talking points with NWEA on May 7th

Ex. 5 - Attorney Client

On Thu, May 1, 2014 at 6:38 PM, Psyk, Christine <Psyk.Christine@epa.gov> wrote:

Allison, Appreciate your help with these. Here are some thoughts that you can embellish, tweak, add to, etc.

- The federal agencies will need an extension to the May 15, 2014 schedule to make a decision on the Oregon CZARA coastal nonpoint pollution control plan.
- The federal agencies received 85 public comments. Many comments are substantial and include lengthy attachments for our consideration, including NWEA's 83 page comment letter and 847 attached documents.
- Oregon also provided an 80+ page submittal that we must consider.
- To do a thorough and thoughtful review and allow for internal deliberations and senior management briefings, we will need an extension until January 30, 2015 to make our decision.

Ex. 5 - Deliberative

- The federal agencies believe withholding grant funds is appropriate and consistent with statute and regulations only when the Agencies make a decision to disapprove a state's coastal nonpoint pollution plan. We have not yet made a determination about the State's program.
- We have told the State that we will impose penalties and withhold funds if and when we make a disapproval determination. To impose penalties before a determination is made is premature.
- The State is counting on the FY14 grant funds to fund many deserving projects. (Dave Croxton's staff will put together some info. on the amount of 319 funds we would expect to award to Oregon in FY14 and the queue of projects waiting to be funded. We can discuss some of the impacts withholding funds would have on these projects and how that might be perceived as not playing "fair" when the Agencies haven't even made a decision. Might be useful to also have some talking points about impact of withholding 306 funds.)

Ex. 5 - Deliberative

Again, Allison, thanks for your help with these.

Christine Psyk

Associate Director, R10 OWW

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psyk.christine@epa.gov

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